

MEMO ENDORSED

HMK/mb FS 7964A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/3/08

COUTINHO & FERROSTAAL, INC.,
formerly known as MAN FERROSTAAL, INC.,

X

ECF CASE

Plaintiff,

08 CV 5254 (DLC)(KNF)

-against-

M/V GREAT BLOSSOM, her engines, boilers,
tackle, etc., GREAT BLOSSOM SHIPPING LTD.,
SINOTRANS SHIP MANAGEMENT LTD.
(HONG KONG), GEARBULK AG,

*Vacated per
plaintiff's withdrawal
of application in
letter delivered on
1/8/08.
Initials
July 9, 2008*

*EX PARTE
ORDER FOR PROCESS
OF MARITIME
ATTACHMENT
AGAINST DEFENDANT
GEARBULK AG.*

Defendants

X

WHEREAS, on June 9, 2008, plaintiff, Coutinho & Ferrostaal, Inc., filed a Verified Complaint with Prayer of Maritime Attachment herein seeking damages in the amount in excess of \$200,000.00, not inclusive of interest, costs, or attorneys fees, and praying for the issuance of Process of Maritime Attachment and Garnishment pursuant to Rule B of the Supplemental Admiralty Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure; and

WHEREAS, the Process of Maritime Attachment and Garnishment would command the United States Marshal or other designated process server attach any and all of the Defendant, Gearbulk AG's, property within the District of this Court, and;

WHEREAS, the Court has reviewed the Verified Complaint with Prayer for Maritime Attachment and the Supporting Affidavit pursuant to Local

Admiralty Rule B.1, and the conditions of Supplemental Admiralty Rule B appearing to exist, it is hereby

ORDERED, that the Clerk of the Court shall issue Process of Maritime Attachment and Garnishment against all tangible and intangible property, including but not limited to electronic fund transfers, belonging to, received, due or being transferred to, claimed by or being held for the Defendant, Gearbulk AG, by any garnishees within this District, including but not limited to, Den Norske Bank, ABN AMRO Bank N.V., Deutsche Bank, HSBC (USA), Nordea Bank Finland PLC, Barclays Bank PLC, UBS A.G., Credit Suisse, Fortis Bank SA/NV, Bank of China, Bank of America, Wachovia Bank, Citibank, Commerce Bank, American Express Bank, J.P. Morgan Chase Bank, The Bank of New York, The Clearing House Interbank Payments System LLC, The New York Clearing House Association LLC, and/or Standard Chartered Bank, in an amount up to and including \$250,000.00 pursuant to Rule B of the Supplemental Admiralty Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure; and it is further

ORDERED, that any person claiming an interest in the property attached or garnished pursuant to said order shall, upon application to the Court, be entitled to a prompt hearing at which the plaintiff shall be required to show cause why the attachment and garnishment should not be vacated or other relief granted; and it is further

ORDERED, that supplemental process enforcing the Court's Order may

be issued by the Clerk upon application without further Order of the Court, and it is further

ORDERED, that following initial service by the United States Marshal or other designated process server upon each garnishee, that supplemental service of the Process of Maritime Attachment and Garnishment, as well as this *with the consent of the garnishee* Order, may be made by way of facsimile transmission or other verifiable electronic means, including email, to each garnishee; and it is further *etc.*

ORDERED, that service upon any garnishee as described above is *with consent of the garnishee* deemed effective continuous service throughout the business day from the time of such service through the opening of the garnishees' business the next business day, and it is further

ORDERED, the pursuant to Federal Rule of Civil Procedure 5(b)(2)(D) each garnishee may consent, in writing, to accept service by any other means; and it is further

ORDERED, that a copy of this Order be attached to and served with said Process of Maritime Attachment and Garnishment.

Dated: June , 2008

July 3, 2008 SO ORDERED:

June Cole
U.S.D.J.